

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

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Paper

By: Carol A. Spiegel  
Administrative Patent Judge  
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Filed: September 4, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

QUIG WANG, MITCHELL H. FINER  
and XIAO-CHI JIA

Junior Party,  
Application 08/333,680

v.

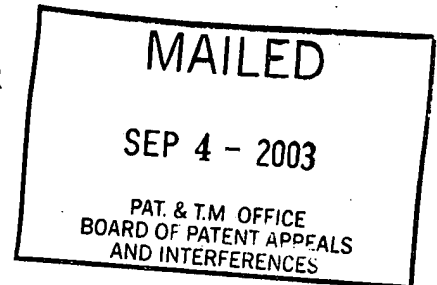
IMRE KOVESDI, DOUGLAS E. BROUGH,  
DUNCAN L. MCVEY, JOSEPH T. BRUDER  
and ALENA LIZONOVA

Senior Party  
Application 08/258,416

Patent Interference No. 104,825 (CAS)

**ORDER REDECLARING INTERFERENCE**  
(37 CFR § 1.611)

In view of the decision on (a) Wang motion to file a corrected statement (Paper 75), (b) remaining preliminary and miscellaneous motions (Paper 89) and (c) reconsideration of the decision denying Wang leave to file a corrected preliminary statement (Paper 90) it is



ORDERED that the interference is redeclared as follows:

1. The following new Counts 7 through 12 are substituted for Counts 1 through 6<sup>1</sup>, respectively (material deleted from Counts 1 through 12 shown in strikeout):

Count 7

The recombinant adenoviral vector of claim 46 of the '680 Wang application, wherein the two gene regions are E1 and E2A.

or

~~\_\_\_\_\_The adenoviral vector of claim 57 of the '416 Kovesdi application.~~

or

~~\_\_\_\_\_The adenoviral vector of claim 72 of the '416 Kovesdi application.~~

Count 8

The packaging cell line of claim 48 of the '680 Wang application, wherein the two gene regions are E1 and E2A.

or

~~\_\_\_\_\_The cell line of claim 41 of the '416 Kovesdi application.~~

Count 9

The replication-defective recombinant adenovirus of claim 37 of the '680 Wang application.

or

~~\_\_\_\_\_The adenoviral vector of claim 53 of the '416 Kovesdi application.~~

or

~~\_\_\_\_\_The adenoviral vector of claim 70 of the '416 Kovesdi application.~~

Count 10

The packaging cell line of claim 39 of the '680 Wang application.

or

~~\_\_\_\_\_The cell line of claim 38 of the '416 Kovesdi application.~~

Count 11

The recombinant adenoviral vector of claim 46 of the '680 Wang application.

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<sup>1</sup> Counts 1 through 6 are reproduced at Paper 1, pp. 5-6.

or

~~—The adenoviral vector of claim 59 of the '416 Kovesdi application.~~

Count 12

The packaging cell line of claim 48 of the '680 Wang application.

or

~~—The cell line of claim 43 of the '416 Kovesdi application.~~

2. A clean copy of Counts 7 through 12 read as follows:

Count 7

The recombinant adenoviral vector of claim 46 of the '680 Wang application, wherein the two gene regions are E1 and E2A.

Count 8

The packaging cell line of claim 48 of the '680 Wang application, wherein the two gene regions are E1 and E2A.

Count 9

The replication-defective recombinant adenovirus of claim 37 of the '680 Wang application.

Count 10

The packaging cell line of claim 39 of the Wang application.

Count 11

The recombinant adenoviral vector of claim 46 of the '680 Wang application.

Count 12

The packaging cell line of claim 48 of the '680 Wang application.

3. The claims of the parties are:

Wang: 37-48, 52, 54, 56-57<sup>2</sup>

Kovesdi: 19-26, 36-87, 89-95<sup>3</sup>

4. The claims of the parties which correspond to Count 7 are:

Wang: 46, 56

Kovesdi: 20-21, 24-26, 52, 56-58, 68-69, 72-73, 78-79, 84-87

5. The claims of the parties which correspond to Count 8 are:

Wang: 48

Kovesdi: 19, 36, 41-42, 89-90, 95

6. The claims of the parties which correspond to Count 9 are:

Wang: 37-38, 46-47, 52, 54, 56

Kovesdi: 20-21, 24-26, 52-56, 68-71, 78-79, 82, 84-87

7. The claims of the parties which correspond to Count 10 are:

Wang: 39-44, 57

Kovesdi: 19, 36-40, 89-90, 92-95

8. The claims of the parties which correspond to Count 11 are:

Wang: 37, 46, 54, 56

Kovesdi: 20-21, 24-26, 52-87

9. The claims of the parties which correspond to Count 12 are:

Wang: 48, 57

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<sup>2</sup> Wang claims 52 and 54 have been held unpatentable (see Paper 89, pp. 23-31).

<sup>3</sup> Kovesdi claims 20-21, 24-26, 36-87, 89-90 and 92-95 have been held unpatentable (see Paper 89, pp. 41-63).

Kovesdi: 19, 36-41, 43-51, 89-90, 92-95

10. The claims of the parties which do not correspond to any of Counts 7 through 12, and therefore are not involved in the interference, are:

Wang: 45

Kovesdi: 22-23, 91

FURTHER ORDERED that the procedures set forth in the attached STANDING ORDER are in effect for the remainder of the interference.

FURTHER ORDERED that a conference call is scheduled for **September 12, 2003 at 10:00 a.m.** to set times for taking action during the priority phase of the interference. The call will be initiated by the PTO.

  
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Carol A. Spiegel  
Administrative Patent Judge

Date: September 4, 2003  
Arlington, VA

Enc: Copy of STANDING ORDER

cc (via overnight mail):

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